


MAY 20 2008

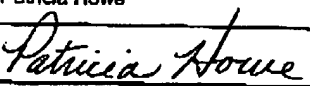
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/665,514	
	Filing Date	September 22, 2003	
	First Named Inventor	Marius Hauri	
	Art Unit	3767	
	Examiner Name	Witczak, Catherine	
Total Number of Pages in This Submission	3	Attorney Docket Number	0100/0165

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response and Request to Reinstate Appeal (filed in light of final office action dated 04/15/08)
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Louis Woo Law Office of Louis Woo	
Signature		
Date	May 20, 2008	

CERTIFICATE OF TRANSMISSION/MAILING		
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Typed or printed name	Patricia Howe	
Signature		Date
		5-20-08

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MAY 20 2008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Marius HAURI et al.

Serial No. 10/665,514

Art Unit: 3767

Filed: September 22, 2003

Examiner: Witzak, Catherine

For: SAFETY NEEDLE ASSEMBLY  
AND METHOD FOR MAKING  
THE SAME

Atty Docket: 0100/0165

**RESPONSE****and****REQUEST TO REINSTATE THE APPEAL BRIEF**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is filed to: (1) toll the three month period for responding to the latest Office Action dated April 15, 2008, (2) make of record the telephone conversation between the examiner and the undersigned in light of the latest Office Action, and (3) request that the appeal process be continued and that the Appeal Brief filed on January 16, 2008 be reinstated. The facts for this Response and Request To Reinstate The Appeal are as follows:

1. An Appeal Brief was filed on January 16, 2008 to appeal the final rejections set forth in the Office Action dated August 24, 2007.

2. Applicants received an alleged new final rejection Office Action dated April 15, 2008 reopening the prosecution of the instant case. In reviewing the April 15 Office Action, it was found that this latest Office Action is identical to the Office Action dated August 24,

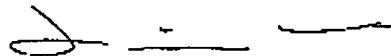
2007 against which the Appeal was filed. As an aside, the April 15, 2008 Office Action would have been improper for reopening the prosecution of this case insofar as it is a final rejection office action.

3. The undersigned spoke with the examiner on April 16, 2008. According to the examiner, a new Office Action will be sent out, as the examiner believes that the wrong Office Action was sent out. The examiner also informed the undersigned not to worry about the three-month response period for the latest Office Action, since the latest Office action was wrongly sent, and that there must be something wrong with the PAIR system. The examiner went on to state that the new Office Action will not be sent out until the week of April 28, 2008, since her art unit will be in San Francisco the week of April 21.

4. Not receiving any new communication from the examiner and finding that there was no new entry in the PAIR system for the instant case, the undersigned left a message with the examiner on May 8, 2008 requesting her to let the undersigned know the status of this case. As of the date of this Response, the undersigned have not heard from the examiner.

In view of the foregoing, the undersigned hereby requests the reinstatement of the Appeal Brief filed on January 16, 2008. As the latest final rejection Office Action of April 15, 2008 is identical to the final rejection Office Action dated August 24, 2007, It is believed that there is no need to resubmit the previously filed Appeal Brief, for no new issues were raised. However, if such re-submission is required, the undersigned should be so notified.

Respectfully submitted,



Louis Woo, Reg. No. 31,730  
Law Offices of Louis Woo  
717 North Fayette Street  
Alexandria, Virginia 22314  
Phone: (703) 299-4090

Date: May 20, 2008